

rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the nearest higher multiple of \$100), equal to the percentage of such per annum rate which corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect.

(b) In no event shall the percentage adjustment taking effect under the second and third sentences of subsection (a) in any calendar year (before rounding) exceed the percentage adjustment taking effect in such calendar year under section 5303 of title 5 in the rates of pay under the General Schedule.

(June 25, 1948, ch. 644, 62 Stat. 678; Jan. 19, 1949, ch. 2, §1(b), 63 Stat. 4; Mar. 2, 1955, ch. 9, §4(c), 69 Stat. 11; Pub. L. 88-426, title III, §304(a), Aug. 14, 1964, 78 Stat. 422; Pub. L. 91-67, §1, Sept. 15, 1969, 83 Stat. 106; Pub. L. 94-82, title II, §203, Aug. 9, 1975, 89 Stat. 420; Pub. L. 97-257, title I, §105(b), Sept. 10, 1982, 96 Stat. 849; Pub. L. 101-194, title VII, §704(a)(2)(A), Nov. 30, 1989, 103 Stat. 1769; Pub. L. 101-509, title V, §529 [title I, §101(b)(4)(I)], Nov. 5, 1990, 104 Stat. 1427, 1440; Pub. L. 103-356, title I, §101(2), Oct. 13, 1994, 108 Stat. 3410.)

#### REFERENCES IN TEXT

The General Schedule, referred to in text, is set out under section 5332 of Title 5, Government Organization and Employees.

Section 704(a)(1) of the Ethics Reform Act of 1989, referred to in subsec. (a), is section 704(a)(1) of Pub. L. 101-194, which is set out as a note under section 5318 of Title 5.

#### AMENDMENTS

1994—Pub. L. 103-356 designated existing provisions as subsec. (a), substituted “Subject to subsection (b), effective” for “Effective” in second sentence, and added subsec. (b).

1990—Pub. L. 101-509 substituted “5303” for “5305”.

1989—Pub. L. 101-194 substituted “corresponds to the most recent percentage change in the ECI (relative to the date described in the next sentence), as determined under section 704(a)(1) of the Ethics Reform Act of 1989. The appropriate date under this sentence is the first day of the fiscal year in which such adjustment in the rates of pay under the General Schedule takes effect” for “corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5) of the adjustment in such rates of pay”.

1982—Pub. L. 97-257 struck out requirement for payment of salary on a monthly basis.

1975—Pub. L. 94-82 substituted provisions for a rate of salary to be determined under chapter 11 of title 2, as adjusted under this section, with adjustments equal to the percentage of such per annum rate which corresponds to the overall average percentage of the adjustment in such rates of pay for provisions for a per annum rate of salary of \$62,500.

1969—Pub. L. 91-67 increased salary from \$43,000 to \$62,500.

1964—Pub. L. 88-426 increased salary from \$35,000 to \$43,000.

1955—Act Mar. 2, 1955, increased salary from \$30,000 to \$35,000.

1949—Act Jan. 19, 1949, increased salary from \$20,000 to \$30,000.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Section 101 of Pub. L. 101-356 provided that the amendment made by that section is effective Dec. 31, 1994.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, §305] of Pub. L. 101-509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-194 effective Jan. 1, 1991, see section 704(b) of Pub. L. 101-194, set out as a note under section 5318 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-257 effective in the case of compensation payable for months after December 1981, see section 105(c) of Pub. L. 97-257, set out as a note under section 60c-1 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1969 AMENDMENT

Section 3 of Pub. L. 91-67 provided that: “The amendments made by this Act [amending this section and section 31 of Title 2, The Congress] shall become effective on March 1, 1969.”

#### EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 504 of Pub. L. 88-426.

#### EFFECTIVE DATE OF 1955 AMENDMENT

Amendment by act Mar. 2, 1955, effective Mar. 1, 1955, see section 5 of that act, set out as a note under section 31 of Title 2, The Congress.

#### EFFECTIVE DATE OF 1949 AMENDMENT

Amendment by act Jan. 19, 1949, effective noon, Jan. 20, 1949, see section 3 of that act.

#### SALARY INCREASES

For adjustment of pay rates under this section, see the executive order detailing the adjustment of certain rates of pay set out as a note under section 5332 of Title 5, Government Organization and Employees.

For prior year salary increases per the recommendation of the President, see Prior Salary Recommendations notes under section 358 of Title 2, The Congress.

For miscellaneous provisions dealing with adjustments of pay and limitations on use of funds to pay salaries in prior years, see notes under section 5318 of Title 5, Government Organization and Employees.

### § 105. Assistance and services for the President

(a)(1) Subject to the provisions<sup>1</sup> of paragraph (2) of this subsection, the President is authorized to appoint and fix the pay of employees in the White House Office without regard to any other provision of law regulating the employment or compensation of persons in the Government service. Employees so appointed shall perform such official duties as the President may prescribe.

(2) The President may, under paragraph (1) of this subsection, appoint and fix the pay of not more than—

(A) 25 employees at rates not to exceed the rate of basic pay then currently paid for level

<sup>1</sup> So in original. Probably should be “provisions”.

II of the Executive Schedule of section 5313 of title 5; and in addition

(B) 25 employees at rates not to exceed the rate of basic pay then currently paid for level III of the Executive Schedule of section 5314 of title 5; and in addition

(C) 50 employees at rates not to exceed the maximum rate of basic pay then currently paid for GS-18 of the General Schedule of section 5332 of title 5; and in addition

(D) such number of other employees as he may determine to be appropriate at rates not to exceed the minimum rate of basic pay then currently paid for GS-16 of the General Schedule of section 5332 of title 5.

(b)(1) Subject to the provisions of paragraph (2) of this subsection, the President is authorized to appoint and fix the pay of employees in the Executive Residence at the White House without regard to any other provision of law regulating the employment or compensation of persons in the Government service. Employees so appointed shall perform such official duties as the President may prescribe.

(2) The President may, under paragraph (1) of this subsection, appoint and fix the pay of not more than—

(A) 3 employees at rates not to exceed the maximum rate of basic pay then currently paid for GS-18 of the General Schedule of section 5332 of title 5; and in addition

(B) such number of other employees as he may determine to be appropriate at rates not to exceed the minimum rate of basic pay then currently paid for GS-16 of the General Schedule of section 5332 of title 5.

(c) The President is authorized to procure for the White House Office and the Executive Residence at the White House, as provided in appropriation Acts, temporary or intermittent services of experts and consultants, as described in and in accordance with the first two sentences of section 3109(b) of title 5—

(1) in the case of the White House Office, at respective daily rates of pay for individuals which are not more than the daily equivalent of the rate of basic pay then currently paid for level II of the Executive Schedule of section 5313 of title 5; and

(2) in the case of the Executive Residence, at respective daily rates of pay for individuals which are not more than the daily equivalent of the maximum rate of basic pay then currently paid for GS-18 of the General Schedule of section 5332 of title 5.

Notwithstanding such section 3109(b), temporary services of any expert or consultant described in such section 3109(b) may be procured for a period in excess of one year if the President determines such procurement is necessary.

(d) There are authorized to be appropriated each fiscal year to the President such sums as may be necessary for—

(1) the care, maintenance, repair, alteration, refurnishing, improvement, air-conditioning, heating, and lighting (including electric power and fixtures) of the Executive Residence at the White House;

(2) the official expenses of the White House Office;

(3) the official entertainment expenses of the President;

(4) the official entertainment expenses for allocation within the Executive Office of the President; and

(5) the subsistence expenses of persons in the Government service while traveling on official business in connection with the travel of the President.

Sums appropriated under this subsection for expenses described in paragraphs (1), (3), and (5) may be expended as the President may determine, notwithstanding the provisions of any other law. Such sums shall be accounted for solely on the certificate of the President, except that, with respect to such expenses, the Comptroller General may inspect all necessary books, documents, papers, and records relating to any such expenditures solely for the purpose of verifying that all such expenditures related to expenses in paragraph (1), (3), or (5). The Comptroller General shall certify to Congress the fact of such verification, and shall report any such expenses not expended for such purpose.

(e) Assistance and services authorized pursuant to this section to the President are authorized to be provided to the spouse of the President in connection with assistance provided by such spouse to the President in the discharge of the President's duties and responsibilities. If the President does not have a spouse, such assistance and services may be provided for such purposes to a member of the President's family whom the President designates.

(June 25, 1948, ch. 644, 62 Stat. 678; Oct. 15, 1949, ch. 695, §2(a), 63 Stat. 880; July 31, 1956, ch. 804, title I, §109, 70 Stat. 740; Pub. L. 87-367, title III, §303(h), Oct. 4, 1961, 75 Stat. 794; Pub. L. 88-426, title III, §304(b), Aug. 14, 1964, 78 Stat. 422; Pub. L. 90-222, title I, §111(c), Dec. 23, 1967, 81 Stat. 726; Pub. L. 95-570, §1(a), Nov. 2, 1978, 92 Stat. 2445.)

#### AMENDMENTS

1978—Pub. L. 95-570 inserted provisions relating to appointment and determination of pay by President of employees in the White House Office and the Executive Residence at the White House; procurement by President of temporary or intermittent services of experts and consultants and pay of such experts and consultants; appropriation of sums for the care, maintenance, etc., of the Executive Residence at the White House, the official expenses of the White House Office, the official entertainment expenses of the President, the official entertainment expenses for allocation within the Executive Office, and the subsistence expenses of Government personnel while traveling on official business in connection with the travel of the President; accounting of sums by President; inspection, certification and report to Congress by the Comptroller General concerning expenditures; and allotment of assistance and services to spouse of President or to a member of President's family; struck out provisions which authorized President to fix compensation of six administrative assistants, Executive Secretaries of the National Security Council, the National Aeronautics and Space Council, and the Economic Opportunity Council, and eight other secretaries or other immediate staff assistants in the White House Office, at rates of basic pay not to exceed the rate of Executive level II.

1967—Pub. L. 90-222 inserted position of Executive Secretary of the Economic Opportunity Council.

1964—Pub. L. 88-426 included Executive Secretary of the National Aeronautics and Space Council, and sub-

stituted provisions permitting President to fix compensation of enumerated personnel at rates of basic compensation not more than that of level II of the Federal Executive Salary Schedule for provisions which limited compensation of such personnel to two at rates not more than \$22,500, three at not more than \$21,000, seven at not more than \$20,000 and three at not more than \$18,500 per annum.

1961—Pub. L. 87-367 authorized President to increase compensation of three assistants to the President from \$17,500 to \$18,500 per annum.

1956—Act July 31, 1956, authorized President to fix compensation of an additional three secretaries or other immediate staff assistants, substituted “\$22,500” for “\$20,000”, “\$21,000” for “\$18,000”, and “\$20,000” for “\$15,000”, and provided for payment of three at rates not exceeding \$17,500 per annum.

1949—Act Oct. 15, 1949, increased compensation of secretaries, and executive, administrative, and staff assistants.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-570 applicable to any fiscal year beginning on or after Oct. 1, 1978, see section 6(a) of Pub. L. 95-570, set out as a note under section 102 of this title.

#### EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-222 effective immediately on enactment of Pub. L. 90-222, which was approved on Dec. 23, 1967, see section 401 of Pub. L. 90-222, set out as a note under section 2702 of Title 42, The Public Health and Welfare.

#### EFFECTIVE DATE OF 1964 AMENDMENT

Amendment by Pub. L. 88-426 effective on first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88-426, see section 501 of Pub. L. 88-426.

#### EFFECTIVE DATE OF 1961 AMENDMENT

Amendment by Pub. L. 87-367 effective at beginning of first pay period which begins on or after sixtieth day following Oct. 4, 1961, see section 305 of Pub. L. 87-367.

#### EFFECTIVE DATE OF 1956 AMENDMENT

Amendment by act July 31, 1956, effective at beginning of first pay period commencing after June 30, 1956, see section 120 of act July 31, 1956.

#### EFFECTIVE DATE OF 1949 AMENDMENT

Amendment by act Oct. 15, 1949, effective on first day of first pay period after Oct. 15, 1949, see section 9 of that act, set out as a note under section 273 of Title 2, The Congress.

#### REPEALS

Act July 31, 1956, ch. 804, title I, §109, 70 Stat. 740, cited as a credit to this section, was repealed by Pub. L. 88-426, title III, §305(1), Aug. 14, 1964, 78 Stat. 422.

#### ABOLITION OF NATIONAL AERONAUTICS AND SPACE COUNCIL

National Aeronautics and Space Council, including office of Executive Secretary of Council, together with functions of Council, abolished by section 3(a)(4) of 1973 Reorg. Plan No. 1, effective July 1, 1973, set out in the Appendix to Title 5, Government Organization and Employees.

#### REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

### § 106. Assistance and services for the Vice President

(a) In order to enable the Vice President to provide assistance to the President in connection with the performance of functions specially assigned to the Vice President by the President in the discharge of executive duties and responsibilities, the Vice President is authorized—

(1) without regard to any other provision of law regulating the employment or compensation of persons in the Government service, to appoint and fix the pay of not more than—

(A) 5 employees at rates not to exceed the rate of basic pay then currently paid for level II of the Executive Schedule of section 5313 of title 5; and in addition

(B) 3 employees at rates not to exceed the rate of basic pay then currently paid for level III of the Executive Schedule of section 5314 of title 5; and in addition

(C) 3 employees at rates not to exceed the maximum rate of basic pay then currently paid for GS-18 of the General Schedule of section 5332 of title 5; and in addition

(D) such number of other employees as he may determine to be appropriate at rates not to exceed the minimum rate of basic pay then currently paid for GS-16 of the General Schedule of section 5332 of title 5; and

(2) to procure, as provided in appropriation Acts, temporary or intermittent services of experts and consultants, as described in and in accordance with the first two sentences of section 3109(b) of title 5, at respective daily rates of pay for individuals which are not more than the daily equivalent of the rate of basic pay then currently paid for level II of the Executive Schedule of section 5313 of title 5.

Notwithstanding such section 3109(b), temporary services of any expert or consultant described in such section 3109(b) may be procured under paragraph (2) of this subsection for a period in excess of one year if the Vice President determines such procurement is necessary.

(b) In order to carry out the executive duties and responsibilities referred to in subsection (a), there are authorized to be appropriated each fiscal year to the Vice President such sums as may be necessary for—

(1) the official expenses of the Office of the Vice President;

(2) the official entertainment expenses of the Vice President; and

(3) the subsistence expenses of persons in the Government service while traveling on official business in connection with the travel of the Vice President.

Sums appropriated under this subsection for expenses described in paragraphs (2) and (3) may be expended as the Vice President may determine, notwithstanding the provisions of any other law. Such sums shall be accounted for solely on the certificate of the Vice President, except that, with respect to such expenses, the Comptroller General may inspect all necessary books, documents, papers, and records relating to any such expenditures solely for the purpose of verifying that all such expenditures related to expenses in paragraph (2) or (3). The Comptroller General